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10/736,567	12/17/2003	Chih-Hsiung Yu	YUCH3023/JJC/JS	9075

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EXAMINER	
LAVERT, NICOLE F	

ART UNIT	PAPER NUMBER
3762	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/736,567	YU ET AL.	
	Examiner	Art Unit	
	NICOLE F. LAVERT	3762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 January 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☒ Claim(s) *1* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 September 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: In regards to the last line, the word "...and..." should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-4, 7, 12 & 14** are rejected under 35 U.S.C. 102(b) as being anticipated by Seligman (US 5,697,958).

For **claim 1**, Seligman discloses, a wireless transceiver for providing a power supply for operation of an implantable medical device, comprising [(col 1, ln 6-13 & 66-67)-(col 2, ln 1-19) & (Fig 5a)]: at least one circuit board having at least one control circuit (Fig 2, 31, 35 & 50); a first coil winding electrically connected to said control circuit and configured to receive a signal from an external source and to supply electrical power to said control circuit for operation of said control circuit in response to said signal, the first coil winding being wound around its coil axis in a first direction; and at least one second coil winding electrically connected to said control circuit and configured to receive said signal from said external source and to supply electrical power to said control circuit for operation of said control circuit in response to said signal, the second coil winding being wound around its coil axis in a second direction non-parallel with said

first direction; and [(col 3, ln 10-33) & (Fig 4 & 5A, 11, 21, 12, 22, 33 & 53)]. Note that the Examiner is interpreting the disclosed electronic package and/or unit and the associated speech processors as performing the same task as the claimed at least one control circuit and circuit board (Fig 2, 31, 35 & 50).

In regards to **claim 2**, Seligman discloses, the wireless transceiver of claim 1 (Fig 5a), further comprising a magnetic sensor having a first coil axis and at least one second coil axis non-parallel with said first coil axis; wherein said first coil winding is wound around said first coil axis of said magnetic sensor while said second coil winding is wound around said second coil axis of said magnetic sensor [(col 4, ln 36-60) & (Fig 5a, 10 & 20)]. Note that the Examiner is interpreting the disclosed internal and external inductor ferrite cores as performing the same tasks as the claimed magnetic sensor having a first and a second coil axis (Fig 5a, 10 & 20).

In regards to **claim 3**, Seligman discloses, the wireless transceiver of claim 2 (Fig 5a), wherein said magnetic sensor is made of a ferrite core [(col 4, ln 36-60) & (Fig 5a, 10 & 20)].

In regards to **claim 4**, Seligman discloses, the wireless transceiver of claim 1 (Fig 5a), wherein said first coil axis and said second coil axis are disposed in an orthogonal manner [(col 4, ln 30-35) & (Fig 5a)].

In regards to **claim 7**, Seligman discloses, the wireless transceiver of claim 1 (Fig 5a), wherein said first coil winding is electrically connected to said control circuit [(col 3, ln 10-33) & (Fig 4, 32 & 33).

In regards to **claim 12**, Seligman discloses, the wireless transceiver of claim 1 (Fig 5a), further comprising an antenna set having a RF antenna set and a transmitter circuit for controlling the action of said RF antenna set [(col 3, ln 10-33) & (Fig 4 & 5a)]. Note that the

Examiner is interpreting the first and second inductor coils and the associated electronic package and speech processors disclosed by Seligman as performing the same task as the claimed RF antenna set and transmitter circuit for controlling the actions of the RF antenna set (Fig 4 & 5a).

In regards to **claim 14**, Seligman discloses, the wireless transceiver of claim 1 (Fig 5a), wherein the number of circles of said first coil winding corresponds to the number of circles of said second coil winding (col 4, ln 30-60). Note that the orthogonal relationship between the first and second coils as disclosed by Seligman are in respect to number of circles or turns of the coil windings as is instantly claimed (col 4, ln 30-60).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 5-6, 8-11 & 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Seligman (US 5,991,664) in view of Paul et al. (US 5,697,958).

Seligman shows all features of the instantly claimed invention as discussed above.

Seligman fails to disclose two second coil axes disposed orthogonal to each other and to a first coil (claim 5) and two coil windings (claim 6) and a second control circuit (claim 9) and a second coil winding is electrically connected to a second control circuit (claim 11) and a third control circuit (claim 13). Note that the Examiner is interpreting the first and second inductor coils and the associated electronic package and speech processors disclosed by Seligman as the claimed RF antenna set and transmitter circuit for controlling the actions of the RF antenna set [(col 3, ln 10-33) & (Fig 4 & 5a)].

However, Paul et al. disclose two second coil axes disposed orthogonal to each other and to a first coil and two coil windings (e.g., column 15, lines 7-11) and a second control circuit and a second coil winding is electrically connected to a second control circuit and a third control circuit (e.g., FIGS. 5 and 8, elements 146-decision circuitry and 134-coil winding when configured as in FIG. 8 represents a second control circuit and 172-sense and threshold detector circuit represents a third control circuit) all which enhance and maximize the device's ability to handle signal communication.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention of Seligman to include two second coil axes disposed orthogonal to each other and to a first coil and two coil windings and a second control

circuit and a second coil winding is electrically connected to a second control circuit and a third control circuit, as taught by Paul et al. because both inventions are analogous in that they have circuitry that is integral with the coils of the device in order to provide predictable results pertaining to enhancing and maximizing the device's ability to handle signal communication.

With respect to **claims 8 & 10**, Seligman discloses second coil windings are electrically connected to a control circuit (claim 8) and a first coil winding is electrically connected to a first control circuit (claim 10) (e.g., element 33-lead; column 3, line 31-32).

Response to Arguments

6. Applicant's arguments filed 2 January 2008 have been fully considered but they are not persuasive. See the above action.

In respect to independent claim 1, the applicant argues that the primary reference, Seligman, fails to anticipate the present invention because Seligman does not disclose or suggest first and second coil windings both electrically connected to a control circuit and configured to receive a signal from an external source and to supply electrical power to a control circuit. The Examiner disagrees with the above argument and further points out that Seligman discloses a first and a second inductor coils integrated with the electronic package and associated speech processors, which electrically connects the control circuits to the coils of the first and second inductors as is instantly claimed (Seligman, col 3, ln 10-33).

In addition to the above argument, the Applicant also states that Seligman teaches only a single coil for power transfer, and therefore does not disclose or suggest both a first and second coil winding configured to receive a signal from an external source and to supply electrical

power to a control circuit for operation of the control circuit in response to the signal. Moreover, the Applicant also argues that Seligman does not even disclose that a power winding is configured to supply electrical power to a control circuit for operation of the control circuit, since Seligman is entirely silent with regard to any connection of either the internal power winding 12 or the external power winding 22. The Examiner disagrees and further points out that Seligman discloses that first and second inductors each include a data winding and a power winding, in which this efficiently allows data transfer and power transfer used to control the transmission and reception of data from an external source [(col 2, ln 1-26) & (col 4, ln 1-22)]. In addition, the claims do not state that power is supplied to a control circuit from the coil, and it is noted that any coil, such as the coil disclosed by Seligman, is capable of receiving a signal from an external source due to the nature of the coil itself (although the coil may not do anything with the received signal, the coil is still capable of receiving the external signal).

With respect to claims 5, 6, 8-11 & 13, the Applicant argues that Seligman in view of Paul et al. fails to disclose or suggest each and every element set forth in claim 1, since Seligman does not disclose or suggest both first and second coil windings both electrically connected to a control circuit and configured to receive a signal from an external source and to supply electrical power to the control circuit and therefore Seligman and Paul et al., whether considered individually or in any combination, fail to form a prima facie case of obviousness of claim 1 since neither of these references discloses or suggests each and every element of claim 1. The Examiner disagrees and further points out that Seligman discloses a first and a second inductor coils integrated with the electronic package and associated speech processors, in which electrically connects the control circuits to the coils of the first and second inductors and

therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention of Seligman to include two second coil axes disposed orthogonal to each other and to a first coil and two coil windings and a second control circuit and a second coil winding is electrically connected to a second control circuit and a third control circuit, as taught by Paul et al. because both inventions are analogous in that they have circuitry that is integral with the coils of the device in order to provide predictable results pertaining to enhancing and maximizing the device's ability to handle signal communication.

7. Applicant's arguments, filed 2 January 2008, with respect to the 35 U.S.C §103(a) rejections of claims 1-4, 7, 12 & 14 have been fully considered and are persuasive and are withdrawn.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NICOLE F. LAVERT whose telephone number is (571)270-5040. The examiner can normally be reached on M-F 7:30-5:00p.m. (alt. fridays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on 571-272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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